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Remarks

Entry of the above-noted amendments, reconsideration of the application per the Request for Continued Examination, and allowance of all claims pending are respectfully requested. Claims 1, 2, 5, 6, 11-12, 15-17 and 25 remain pending.

Applicant gratefully acknowledges the allowance of claim 25 and the indication allowable subject matter of claims 5 and 15. Claim 5 has been rewritten in independent format so it should be in condition for allowance.

Applicant's arguments presented below focus on certain patentable differences between the invention as claimed and the applied references. However, it is not to be inferred that the failure to argue all differences between the claimed subject matter and the applied references constitutes acceptance of assertions made in the Office Action of alleged similarities between elements of the claimed subject matter and the applied references.

Claim Rejections - 35 U.S.C. 102:

Claims 1-2, 6, 11-12, 16-17, 21-22 and 26 were rejected under 35 U.S.C. 102 as being anticipated by Dunn (U.S. Patent No. 5,999,612). These rejections are respectfully traversed.

Claim 1 was rejected under 35 U.S.C. 102. The communication system of claim 1 includes first and second phones where the first and second phones are not connected to each other as extension phones. The switch components provide the first phone with a shared call appearance with the second phone through the packet network. A "shared call appearance" is well understood in the telecommunication field as meaning phones that share a common address, i.e. typically a common telephone number. Per claim 1 the switch components provide the first phone with a shared call appearance with the second phone through the packet network. Dunn does not teach such a structure.

In the Advisory Action of February 23, 2006 it was indicated in Dunn that telephone calls directed to telephone 36a would be re-routed to a telephone number associated with telephones 27. Reference was made to Dunn, column 5, lines 63-66 and also lines 10-16, 22-33, 41-45. It was stated that "Since there is no structural or functional difference between the phones 27 and the claimed a first and second phones, the rejection is maintained." For the reasons explained below, Dunn does not teach or suggest a structure in which the switch components provide a shared call appearance between first and second phones. Dunn would be understood by one of ordinary skill in the art as merely suggesting a structure where a call to one phone is "call forwarded" to another phone. Structure that provides call forwarding provides a redirection to a new phone number. Such structure does not provide the same or equivalent functions of switch components that provide shared call appearances among phones.

Dunn makes numerous references to "forwarding" of calls over the PSTN in the data network. One of ordinary skill the art would understand the forwarding of calls as explained in Dunn as a traditional "call forwarding" routing of calls as is currently available and known in the public switched telephone network. For example, Dunn at column 5, lines 34-41 states:

Calls redirected to residential telephones 27 through path 1 above can be handled as a "simple" call forwarding service of the PSTN. Within the PSTN, calls rerouted through paths 2 and 3 above can be handled as simple call forwarding operations to a telephone number assigned to gateway 4; and in the cable network these operations can be carried forward (digitally) to the residence by gateway 41 and adapter 22.

As will be known to those skilled in the art, "call forwarding" is not the same as, nor equivalent to, a shared call appearance.

Dunn makes no reference to a switch component that provides a shared call appearance as required by claim 1. A search of the electronic text file of Dunn found no hits for the word "appearance". Further, the above quoted text from Dunn clarifies that the call routing as taught by Dunn is "call forwarding". Applicant has carefully reviewed each of the lines of text in column 5 referenced in the Advisory Action to support a teaching of the required limitations of

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claim 1. All of these text references are consistent with redirection of calls being "call forwarding" as explained above and as specifically described in Dunn at column 5, lines 34-47.

There is nothing inherent in Dunn which would lead one of ordinary skill in the art to understand that shared call appearances were utilized, especially in view of the reference itself clearly explaining that the re-routing of calls was by the known call forwarding feature.

"To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) MPEP 2112.

Therefore, it is inappropriate to infer that Dunn teaches a structure that is the same or equivalent to the switch components of claim 1 that provide shared call appearance functionality. Dunn does not provide a teaching of switch components that provide shared call appearances, and hence the rejection of claim 1 under 35 U.S.C. 102 should be withdrawn.

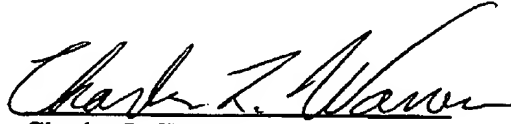
Claim 2 further defines that the switch components provide the first phone with a shared call appearance with the second phone through two independent paths through the packet network. As explained above, Dunn merely provides for the redirection of calls such as using call forwarding. No teaching or suggestion is made with regard to structure that could provide a shared call parents between two phones each connected by two independent paths through a packet network. Therefore, claim 2 further patently distinguishes over the applied reference.

Independent claim 11 is each believed to be allowable for similar reasons discussed for claim 1. All of the dependent claims should be allowable as depending from an allowable parent claim. Therefore, it is believed that all pending claims are now in condition for allowance.

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If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Charles L. Warren", written in black ink.

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